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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,940	07/31/2003	Clifton P. Breay	7033-22	4990

22442 7590 04/28/2004

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EXAMINER

NICHOLSON, ERIC K

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/632,940	Applicant(s) BREAY ET AL. <span style="float: right;">N</span>	
	Examiner Eric K Nicholson	Art Unit 3679	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 20 is/are allowed.
- 6) ☒ Claim(s) 10-13, 15-19 and 21 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7-31-03</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 16 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 4,249,786 to Mahoff.

The Mahoff patent illustrates first and second fluid carrying conduit members 1,2 with an annular flange 14,22 attached to each of the confronting bands and has a sealing ring 18,26 therearound. A sleeve 28 circumferentially surrounding the sealing rings and the pair of symmetrical arcuate coupling halves 32,34 pivotally joined 38 (fig. 11) together at first adjacent ends being rotatable to surround the sleeve and flanges to bring second ends of the coupling bands to a locking position wherein each second end of each coupling half includes at least one engagement member 56,58 (fig. 7) rotatably mounted over an opposed support bar 52,54 and the engagement members 56,58 being biased via springs 62,64 to resist rotation about the opposed support bars 52,54 where the method including the steps of rotating the second bands of the coupling half together (compare figs. 5,6 and 8). Each engagement member contacts against the opposing support bar of the other coupling half via the tapered front end of the engagement

member when the halves are rotated together. Further rotating the second ends of the coupling half together to overcome the biasing forces placed on each engagement member. Engaging the support bars within locking grooves formed in the rails 80,82 of each of the engagement member's thereby placing the coupling in a locking position.

### **Claim Rejections – 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-13,17-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 3,999,825 to Cannon in view of U.S. patent 4,249,786 to Mahoff. Cannon discloses the claimed device with first and second fluid carrying conduit members 18,19 with an annular flange 20,21 attached to each of the confronting bands and has a sealing ring 12,13 therearound. A sleeve 14 circumferentially surrounding the sealing rings and the pair of symmetrical arcuate coupling halves 26,27 pivotally joined 28 together at first adjacent ends being rotatable to surround the sleeve and flanges to bring second ends of the coupling bands to a

locking position wherein each second end of each coupling half includes at least one engagement member 30,31. A pair of bonding wires 42 externally mounted to each coupling half in the same manner as in the present invention (see fig.1) where each bonding wire traverses along each transverse edge making multiple contact points along confronting ends of the conduit members and as shown in fig. 1 each bonding wire spans its corresponding coupling half across the web of the coupling half and thereby forming a continuous path across the coupling. However the engaging members are not spring mounted with corresponding support bars. Mahoff as noted above discloses that it is known in the art to provide a similar type coupling with a multiple spring biased latch engaging members 56,58 for grounding flanged conduits with bonding wires 67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the latch assembly 30,31,32 of Cannon with the multiple spring biased latch engaging members 56,58 as taught by Mahoff in order to provide a more secure coupling for the flanged conduits due to increased reliability of the redundant double latching elements which guards against accidental uncoupling due to shock or vibration. See column 2, lines 10-20.

Claim 15 is rejected under 35 U.S.C. § 103 as being unpatentable over U.S. patent 3,999,825 to Cannon in view of U.S. patent 4,249,786 to Mahoff as applied to claims 10-13, 17-19 and 21 above, and further in view of applicants disclosure on page 3, lines 2-4 of the specification. As noted above the combination of Cannon and Mahoff illustrate the all of the features of the present invention with the exception of the electrical coating of claim 15. Page 3, lines 2-4 of applicants specification clearly indicate that such coatings are old and well known. It would have been obvious to one having ordinary skill in the art at the time the invention was

made to provide the coupling combination of Cannon and Mahoff with an electrical coating such as taught on page 3, lines 2-4 of the applicants specification since both Cannon and Mahoff clearly show suggestion for making the flanged conduit members electrically conductive via the bonding wires (42 of Cannon and 67 of Mahoff) and as noted by applicants specification citation of prior art applying a further coating of conductive coating is desirable in order to provide added insurance and redundancy for safely conducting electricity between the conduits.

### **Allowable Subject Matter**

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-9 and 20 are deemed allowable over the prior art of record.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Nicholson whose telephone number is (703) 308-0829. The examiner can normally be reached on Tuesdays thru Fridays from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for Technology Center 3600 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

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4/20/04

  
**Eric K. Nicholson**  
**Primary Examiner**  
**Technology Center 3600**